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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,658	09/15/2000	Malcolm G. Smith SR.	ULT-005-2C1P	2181

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EXAMINER
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TAYLOR, APRIL ALICIA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,658

Applicant(s)

SMITH ET AL

Examiner

April A. Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 56-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 14.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 January 2004 has been entered.

### ***Claim Objections***

2. Claim 63 is objected to because of the following informalities: Claim 63 is dependent upon claim 63. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 56 and 58-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 5,808,981).

Re claims 56 and 58: Suzuki disclose a data communication method comprising providing a data card including a magnetic material; inserting the data card into a data unit wherein the data unit includes a data head; moving the data card in a linear first direction through rollers of the data unit to a first position; moving the data card along a first path from the first position toward the data head; communicating signals between the data head and the magnetic material while holding the data card stationary and moving the data head along a second path (see abstract; col. 1, line 18 to col. 6, line 39).

Re claim 59: Suzuki discloses wherein the linear movement of the data card in the first direction is stopped upon reaching a first position and further comprising moving the data card linearly from the first position toward the data head prior to the step of communicating signals (col. 1, line 18 to col. 6, line 39).

Re claims 60 and 61: Suzuki further discloses indexing the data card after communicating signals along the first track, and then communicating signals between the data head and the magnetic material while moving the data head in a linear manner along a second track parallel to the first track; and wherein the data card is indexed in a direction perpendicular to the first track (col. 1, line 18 to col. 6, line 39).

Re claim 62: Suzuki discloses wherein after communicating signals along the first track the data head is moved beyond a first edge of the data card (col. 1, line 18 to col. 6, line 39).

Re claim 63: Suzuki discloses wherein the data unit includes a data head support surface positioned adjacent the first edge of the data card during the communication of

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signals, wherein the data head is positioned over the data support surface during the indexing of the data card (col. 1, line 18 to col. 6, line 39).

Re claim 64: Suzuki discloses further comprising communicating signals between the data head and the magnetic material while moving the data head in a linear manner along a second track parallel to the first track (col. 1, line 18 to col. 6, line 39).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,808,981) in view of Yoshida (US 4,006,507). The teachings of Suzuki have been discussed above.

Suzuki fails to teach or fairly suggest a method of cleaning the data card within the data unit.

Yoshida teaches a method of cleaning a card within a card reader (see abstract; col. 2, line 3 to col. 3, line 25). In view of Yoshida's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the notoriously old and well known method of cleaning a card with a card reader to the teachings of Suzuki in order to prevent reading errors between the card and the reader.

***Conclusion***

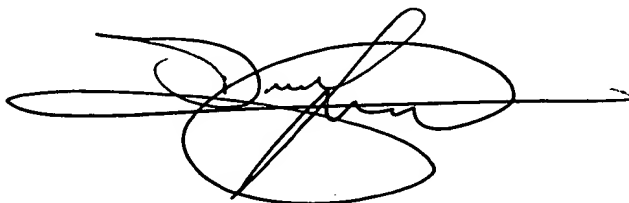
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizoguchi et al (US 5,689,105) discloses a magnetic card data processing device; and Hosoya (US 5,638,345) discloses an information recording and reproducing apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April Taylor  
22 March 2004

A handwritten signature in black ink, appearing to read 'April Taylor', with a large, stylized flourish extending from the end of the signature.